Dicamba Press Inquiries and Desk Statements

6-4-19:

Media Outlet: Bloomberg Environmental
Reporter: Adam Allington

Incoming

Several of the state pesticide officials that were at the meeting were critical of the handling of last year's dicamba survey…specially that the information the states provided to EPA about dicamba damage complaints was not reflected in the new product labels.

Furthermore, they say that getting their hands on all of that information was very difficult to do, and some are now questioning whether they will have the manpower to do that again this year.

Can you get me a statement that addresses any part of this?

Do states have the option of backing out of this data-sharing agreement?

What is EPA's response to the frustration that some states had about the new dicamba labels.

Response: EPA has reviewed substantial amounts of information from states, pesticide manufacturers, farmers, and other stakeholders and evaluated the entirety of the data prior to making a regulatory decision. EPA worked to balance the various inputs to develop protective measures described in the product labels.

3-7-19:

Reporter: Steve Davies
Outlet: Agri-Pulse

Incoming:

"Why are glyphosate-dicamba tank mixes allowed when data from 2017 shows mixing glyphosate with dicamba lowers the pH and increases volatility?"

Response:

All proposed tank mixtures with dicamba over-the-top products go through required testing in order to make sure they do not to adversely affect the spray drift properties of the dicamba products.

3-22-19:

Incoming:

Why is EPA suddenly concerned about states using 24(c) to restrict federal labels? Is this a new phenomenon directly related to the 2016 and 2018 dicamba labels? What percentage of those annual 300 24(c) applications were more restrictive than federal labels before 2016? And then after 2016?

1. Does EPA think states are restricting dicamba use by 24(c) unnecessarily?
2. If this use of 24(c) is no longer permitted, will states have any other options to restrict pesticide use in their state, other than simply not registering a pesticide for us in the state at all?
3. What role have dicamba manufacturers played in this re-evaluation of 24(c) restrictions in states? Has EPA received requests from BASF, Bayer (Monsanto) or Corteva to limit state use of 24(c)?

Response: EPA's notice on the web here [HYPERLINK "https://www.epa.gov/pesticide-registration/guidance-fifra-24c-registrations"]

outlines the issues that EPA is considering for requests under FIFRA 24 (c).

We look forward to a robust public dialogue on this matter.

3-22-19:

Here is OPP's response to the Investigate Midwest inquiry on 24 (c):

1. What led to the EPA re-evaluating this registration?

R1. This is the time of year that EPA receives many special local needs registration requests from states under section 24(c) of FIFRA. Section 24(c) states that "A State may provide registration for additional uses of federally registered pesticides formulated for distribution and use within the State to meet special local needs . . ." Many of these requests are for additional uses not considered by the federal label, however, some requests are to narrow the federal label, such as to add a more restrictive cut-off date, to add training and certification requirements, or to restrict the use directions by limiting the number of treatments permitted by the federal label.

Due to the fact that section 24(a) allows states to regulate the use of any federally registered pesticide, and the fact that some states have instead used 24(c) to implement cut-off dates (and/or impose other restrictions), EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them.

2. Why would requests that "narrow the federal label, such as to add a more restrictive cut-off date, to add training and certification requirements, or to restrict the use directions by limiting the number of treatments permitted by the federal label," fall outside the appropriate use of Special Local Needs (SLN) registrations?

R2. As noted in the response to question 1, due to the fact that section 24(a) allows states to regulate the use of any federally registered pesticide, and the fact that some states have instead used 24(c) to implement cut-off dates (and/or impose other restrictions), EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them. We reiterate that EPA is not making any immediate changes in this area and does not expect any potential changes will impact 24(c) requests that states submit ahead of the 2019 growing season.

3. If a state cannot narrow the federal label, what can SLNs be used for?

R3: EPA currently receives approximately 300 24(c) requests annually. Many of these requests are for additional uses not considered by the federal label – e.g., applying the pesticide to a different crop (provided the appropriate tolerance is in place) to address an outbreak of disease, adding an alternative application method that suits the practices of that state, or adding a new pest species that is not on the federal label.

4. Was any outside organization consulted in this decision? Academic experts, industry groups, associations, registrants, other government agencies?

R4. EPA routinely re-evaluates its policies and procedures to ensure that they are consistent with its statutory authority. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them.

5. Did a specific incident or request spur the agency to re-evaluate these requests?

R5. No.

6. Is there any where I can review the 24(c) requests that are made to the EPA every year?

R6. EPA does not currently maintain a publicly available database of 24(c) requests.

4-10-19:

Desk Statement — Tavium

The U.S. Environmental Protection Agency has registered the Syngenta product Tavium, an herbicide containing a mixture of dicamba and *S*-metolachlor, for over-the-top use on dicamba-tolerant cotton and soybeans. This combination of active ingredients is currently an approved tank mix, and as such, is already used over the top on cotton and soybeans.

Due to the requirements for *S*-metolachlor, this product will have some different directions for use, such as an earlier use season and shorter application windows, than the other dicamba products registered for use on dicamba-tolerant crops. These differences are outlined in the table below.

This product will otherwise be registered with the same label restrictions, training needs, data requirements, and other conditions as the currently registered dicamba products.

The registration automatically expires on Dec. 20, 2020, unless EPA extends it. The label for this product can be viewed in the [HYPERLINK "https://iaspub.epa.gov/apex/pesticides/f?p=PPLS:1"] under Registration Number 100-1623.

Parameter	**Dicamba and *S*-metolachlor mixture**	**Other dicamba products**
Application timing – Soybean	Until plant develops four leaves (V4), or 45 days after planting, whichever comes first	Until flowering begins (R1), or 45 days after planting, whichever comes first
Application timing – Cotton	Until plant develops six leaves, or 60 days after planting, whichever comes first	Until flowering begins (mid-bloom stage), or 60 days after planting, whichever comes first
Application permitted to second crop in the same growing season	No	Yes
Number of applications per growing season	1	2
Single application limit	0.5 lb of dicamba per acre	0.5 lb of dicamba per acre
Total amount applied per growing season	0.5 lb of dicamba per acre	1.0 lb of dicamba per acre

Background on Dicamba

In 2016, EPA approved a two-year registration of dicamba pesticide products (Xtendimax with Vapor Grip, Engenia, and DuPont's FeXapan Herbicide) for use on soybean and cotton crops that have been genetically engineered to tolerate dicamba once the plants have emerged (i.e., "over the top"). On Oct. 31, 2018, EPA extended the registrations for these dicamba products by two years. EPA added pesticide label restrictions to further minimize the potential for off-site movement of dicamba.

Background on This Product

Syngenta submitted volatility data, drift data, plant toxicity data, and an herbicide resistance management plan to support this registration application. There are no new use profiles for the active ingredients in this product. EPA has assessed the potential impact of this product and determined that it will be safe when used according to the label.

Pollinators Press and Webmail Responses

3-4-19:

Media Outlet: Scientific American
Reporter: Ian Graber-Stiehl

Q1: How do the requirements of the draft Saving America's Pollinators Act differ from what the EPA already has in place?

Answer: The EPA provides technical assistance to Congress when requested, but we do not analyze or speculate on draft legislation. The bill sponsors might be a better source for an answer to this question.

Q2: How does the EPA ensure that pollinators are protected from harmful pesticide exposure?

Answer: The EPA has taken many [HYPERLINK "https://www.epa.gov/pollinator-protection/epa-actions-protect-pollinators"].

Q3: Has EPA's approach to pollinator protection changed under this administration?

Answer: The EPA began developing its current approach to protect pollinators from harmful pesticide exposure in 2006. We continue to use the [HYPERLINK "https://www.epa.gov/pollinator-protection/how-we-assess-risks-pollinators"] that resulted from that effort in our pesticide regulatory work. We plan to finalize our [HYPERLINK "https://www.epa.gov/pollinator-protection/schedule-review-neonicotinoid-pesticides"], which incorporated the new pollinator risk assessment process, in 2019.

Q4: The bill also demands that the EPA and Interior Dept. monitor native bee populations. How might such a program bee enacted?

Answer: The EPA does not analyze or speculate on draft legislation, but the reporter might want to check with the US Geological Survey's [HYPERLINK "https://www.usgs.gov/centers/pwrc/science/native-bee-inventory-and-monitoring-lab?qt-science_center_objects=0" \l "qt-science_center_objects"] to see how their program works now.

Standard Response for Webmail Inquiries on Neonicotinoids:

Thank you for writing to the Environmental Protection Agency regarding concerns about potential impacts of neonicotinoid pesticides on bees. I want to assure you that EPA is working aggressively to protect bees and other pollinators from the potential effects of pesticides and is engaged in national and international efforts to address those concerns.

The EPA's 2017 and 2018 [HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2011-0581-0034"], and [HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2011-0920-0014"], similar to the preliminary pollinator assessment for [HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2008-0844-0140"], showed that most EPA-approved uses do not pose significant risks to bee colonies. The assessments show that spray applications to a few crops, such as cucumbers, berries, and cotton, may pose meaningful risks to bees that come in direct contact with residue. The EPA will address these risks as we finish our review of the neonicotinoid pesticides, most of which are [HYPERLINK "https://www.epa.gov/pollinator-protection/schedule-review-neonicotinoid-pesticides"] this year. The EPA is currently reviewing and considering the comments received on the draft preliminary assessments. We will revise our pollinator risk assessments as needed, taking into account benefits information (benefits assessments for foliar applications are in the dockets linked in the schedule above), as well as the revised pollinator risk estimates. When necessary, we will propose appropriate risk mitigation.

In the neonicotinoid dockets linked above, you can review all of the information the EPA has posted about these chemicals and our plan to review their registrations. You can also sign up for emailed alerts, so you will be automatically notified when the agency next posts documents for public review and comment. Submitting comments during public comment periods is the best way to ensure that your position is considered in the EPA's final regulatory decisions.